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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application of: BENGS *et al.*

Confirmation No.: 4117

Application No.: 09/869,398

Group Art Unit: 1651

Filed: November 13, 2001

Examiner: Francisco Chandler Prats

For:  $\alpha$ -AMYLASE-RESISTANT STARCH  
FOR PRODUCING FOODSTUFF AND  
MEDICAMENTS

Attorney Docket No. 215547.02600

**NOTICE OF APPEAL**

**Box AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated October 6, 2004, of the Primary Examiner finally rejecting claims 21-41 from consideration.

The items checked below are appropriate.

1. ☒ A Petition for a Three-Month Extension of Time to respond to the final rejection, together with the \$1,020 extension fee under 37 C.F.R. §1.17, is enclosed.

2. ☐ A Petition for an additional \_\_\_\_ months extension of time to take further action, together with the \$\_\_\_\_ extension fee under 37 C.F.R. §1.17, was filed on \_\_\_\_.

3. ☒ Fee \$500.00

☒ Enclosed

☐ Not required (fee paid in prior appeal)

04/07/2005 JADD01 00000006 09869398

01 FC:1401

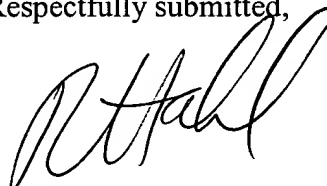
500.00 DP

☐ Charge to Deposit Account No. 50-1710 (One additional copy of this Notice enclosed herewith)

4. ■ Any prior general authorization to charge an issue fee under 37 C.F.R. §1.18 to Deposit Account No. 50-1710 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 50-1710.

5. ■ Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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Date: April 6, 2005

GMV:RWH/dap

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